

Robert Garcia, 1st District
Suja Lowenthal, 2nd District
Gary DeLong, 3rd District
Patrick O'Donnell, 4th District



Patrick H. West, City Manager
Larry G. Herrera, City Clerk

Bob Foster, Mayor

Gerrie Schipske, 5th District
Dee Andrews, 6th District
Tonia Reyes Uranga, 7th District
Rae Gabelich, 8th District
Val Lerch, Vice Mayor, 9th District

Robert E. Shannon, City Attorney

FINISHED AGENDA & MINUTES

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda items can be taken out of order during the meeting. Please consult the time stamps to determine the order in which business was addressed.

Agenda Items were considered in the order presented.

ROLL CALL (4:59 PM)

Councilmembers Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes
Present: Uranga, Gabelich and Lerch

Councilmembers Garcia
Absent:

Also present: Patrick H. West, City Manager; Robert Shannon, City Attorney; Heather Mahood, Chief Assistant City Attorney; Michael Mais, Assistant City Attorney; Merianne Nakagawa, Legislative Bureau Manager; Nancy Muth, City Clerk Analyst.

Mayor Foster presiding.

Invocation: Moment of Silence.

Flag Salute: Councilwoman Gerrie Schipske, Fifth District.

Mayor Foster announced that Agenda Item Nos. 18, 30 and 31 have been withdrawn.

Newly appointed Fire Chief Alan Patalano spoke.

Patrick West, City Manager, spoke.

Kathy Schofield, spcaLA, presented two felines.

Proclamation for National Public Works Week. (5:07 PM)

Patrick West, City Manager, spoke.

Presentation on Asian Pacific Islander/Asian American Heritage Month. (5:12 PM)

Councilman Andrews spoke.

Councilwoman Gabelich spoke.

HEARINGS (5:18 PM)

[see media](#)

1. [10-0446](#) Recommendation to receive supporting documentation into the record, conclude the hearing, declare ordinance relating to the temporary limitation (moratorium) on the approval of permits for the installation of wireless telecommunications facilities in the City read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately. (Citywide)

Distributed at or prior to the meeting: Correspondence from Sarah L. Burbidge, Mackenzie & Albritton LLP; Sarah Blackshire, Alston & Bird LLP; Suzanne Toller, Davis Wright Tremaine LLP; Paul R. O'Boyle, NextG Networks of California; and Jamie Hall, California Wireless Association.

Michael Mais, Assistant City Attorney, spoke.

Mayor Foster spoke.

Councilwoman Schipske spoke.

Suzanne Toller, Davis Wright Tremaine LLP, spoke.

Harvey Cochran spoke.

Marisa Blackshire, Alston & Bird LLP, spoke.

Joe Thompson spoke.

Paul O'Boyle, NextG Networks of California, spoke.

Mayor Foster spoke.

Michelle Felton, Verizon, spoke.

Andrew Massey spoke in opposition to the moratorium.

Larry Goodhue spoke.

Francis Emily Dawson Harris spoke.

Councilmember DeLong spoke.

Councilwoman Schipske spoke.

Councilmember Lowenthal spoke.

Councilwoman Gabelich spoke.

Michael Mais, Assistant City Attorney, spoke.

Councilwoman Schipske spoke.

Councilmember Reyes Uranga spoke.

A substitute motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, to exempt industrial areas only from the moratorium. The motion failed by the following vote:

Yes: 4 - Andrews, Reyes Uranga, Gabelich and Lerch

No: 4 - Lowenthal, DeLong, O'Donnell and Schipske

Absent: 1 - Garcia

A motion was made by Councilwoman Schipske, seconded by Councilmember Lowenthal, to declare emergency to exist. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

A motion was made by Councilwoman Schipske, seconded by Councilmember O'Donnell, to declare interim Ordinance No. ORD-10-0015 for the temporary limitation (moratorium) on the approval of permits for the installation of wireless telecommunications facilities in residential areas read and adopted as read and laid over to the next regular meeting of the City Council for final reading. The motion carried by the following vote:

Yes: 6 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews and Lerch

No: 2 - Reyes Uranga and Gabelich

Absent: 1 - Garcia

[see media](#)

2. [10-0522](#) Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution amending the Master Fee and Charges Schedule for Medical Marijuana Collective application and permitting fees; and receive and file a report regarding the implementation of Chapter 5.87 of the Long Beach Municipal Code relating to Medical Marijuana Collectives. (Citywide)

Distributed at the meeting: PowerPoint presentation entitled Medical Marijuana Collective Implementation Plan.

Patrick West, City Manager, spoke.

Councilmember O'Donnell spoke.

Councilwoman Gabelich spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Vice Mayor Lerch spoke.

Motion: Approve recommendation with a two-tier application fee of \$12,530 to qualify the application for the lottery and the remainder of \$2,212 paid once the application has been qualified for the lottery. Moved by Lerch, seconded by Gabelich.

Councilmember Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Councilwoman Gabelich spoke.

Mr. Sharp spoke.

Paul Violis spoke.

Diana Lejins spoke.

Sean Thompson spoke.

Larry Parks spoke.

Madeline Johnson spoke.

Dan Kern, attorney, spoke.

Richard Eastman spoke.

Steven Edwards spoke.

Claudette Powers spoke.

Al Pacino Nunez spoke.

Glen Howard spoke.

Mayor Foster spoke.

Francis Emily Dawson Harris spoke.

Kathryn Aldridge spoke.

Christopher Grimes spoke.

Steve Baker spoke.

Chris Horncel spoke.

Larry Goodhue spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

A second substitute motion was made by Councilwoman Gabelich, seconded by Councilmember Reyes Uranga, to waive application fees for collectives of 10 or less members. The motion failed by the following vote:

Yes: 3 - Reyes Uranga, Gabelich and Lerch

No: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Andrews

Absent: 1 - Garcia

A substitute motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to approve recommendation and adopt Resolution No. RES-10-0052. The motion carried by the following vote:

Yes: 5 - Lowenthal, DeLong, O'Donnell, Schipske and Andrews

No: 3 - Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

Enactment No: RES-10-0052

PUBLIC COMMENT (7:39 PM)

Vice Mayor Lerch spoke.

Harvey Cochran spoke regarding park event.

Dennis Dunn spoke regarding flower and magazine stands.

Larry Goodhue spoke regarding the Development Services newsletter; and a moratorium of farmers/flea markets.

[10-0555](#) Francis Emily Dawson Harris spoke regarding a variety of issues; and submitted correspondence.

This Handout was received and filed.

[10-0560](#) Frank McIlouham announced a "Rock for Vets" benefit concert for Long Beach Veterans Administration; and submitted a flyer.

Councilwoman Gabelich spoke.

This Handout was received and filed.

CONSENT CALENDAR (7:57 PM)

Passed The Consent Calendar

Francis Emily Dawson Harris spoke regarding Agenda Item No. 7.

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve Consent Calendar Items 3 - 19, except for Items 8 and 18. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

3. [10-0523](#) Recommendation to approve the minutes for the City Council meeting of Tuesday, May 4, 2010.

A motion was made to approve recommendation on the Consent Calendar.

4. [10-0524](#) Recommendation to refer to City Attorney damage claims received between May 3, 2010 and May 10, 2010.

A motion was made to approve recommendation on the Consent Calendar.

5. [10-0550](#) Recommendation to approve the destruction of records for the Department of Development Services as shown in Exhibit A; and adopt resolution.

A motion was made to approve recommendation and adopt Resolution No. RES-10-0053 on the Consent Calendar.

Enactment No: RES-10-0053

6. [10-0537](#) Recommendation to request City Attorney to prepare an amendment to Section 10.28.130 of the Long Beach Municipal Code to create Subzone "A" within Parking Meter Zone One. (District 3)

A motion was made to approve recommendation on the Consent Calendar.

7. [10-0525](#) Recommendation to authorize City Manager to execute all necessary documents to extend existing Facility Use Permit No. 30087 for the County of Los Angeles Department of Social Services (DPSS) to provide services at the Multi-Service Center for the Homeless for the period of May 18, 2010 through June 30, 2013, with the option of further extending the Permit annually thereafter upon a determination by the City that the permittee has fully complied with the terms and conditions of the Permit and is otherwise in good standing with the City. (District 1)

A motion was made to approve recommendation on the Consent Calendar.

[see media](#)

8. [10-0526](#) Recommendation to authorize City Manager to execute a permit with Shore Aquatics, Inc. a California corporation doing business as Shore Aquatics for the use of Belmont Plaza Pool for swimming and water polo practices and games for a term of one year, with three, one-year renewal options, at the discretion of the City Manager, or his designee. (District 3)

Patrick West, City Manager, spoke.

Mr. Cordell, Shore Aquatics, spoke.

Councilmember O'Donnell spoke.

Vice Mayor Lerch spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

9. [10-0527](#) Recommendation to receive and file the application of The 33 Degrees Group LLC, dba 33 Degrees, for a person-to-person transfer of an Alcoholic Beverage Control License, at 423 Shoreline Village Drive Suite A, with existing conditions. (District 2)
- A motion was made to approve recommendation on the Consent Calendar.**
10. [10-0528](#) Recommendation to receive and file the application of Dreamax Incorporated, dba Maru Maki, for a person-to-person transfer of an Alcoholic Beverage Control License, at 745 East Broadway, with existing conditions. (District 2)
- A motion was made to approve recommendation on the Consent Calendar.**
11. [10-0529](#) Recommendation to receive and file the application of Fawzy Morcouc Barakat, dba Hody Lane Liquor, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5201 East Pacific Coast Highway, with existing conditions. (District 3)
- A motion was made to approve recommendation on the Consent Calendar.**
12. [10-0530](#) Recommendation to receive and file the application of Kellys Restaurant Holdings Incorporated, dba Kellys Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5716 East 2nd Street, with existing conditions. (District 3)
- A motion was made to approve recommendation on the Consent Calendar.**
13. [10-0531](#) Recommendation to receive and file the application of Lodge Development LLC, dba Busters Beach House and Long Board Bar, for a person-to-person transfer of an Alcoholic Beverage Control License, at 168 North Marina Drive, with existing conditions. (District 3)

A motion was made to approve recommendation on the Consent Calendar.

14. [10-0532](#) Recommendation to receive and file the application of Abbas Kazemi, dba Huffs Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License, at 8105 East Wardlow Road, with existing conditions. (District 5)

A motion was made to approve recommendation on the Consent Calendar.

15. [10-0533](#) Recommendation to receive and file the application of Woo Taek Yun, dba New Liquor Market, for a person-to-person transfer of an Alcoholic Beverage Control License, at 5602 Long Beach Boulevard, with existing conditions. (District 8)

A motion was made to approve recommendation on the Consent Calendar.

16. [10-0534](#) Recommendation to receive and file the application of Maria Dejesus Ramirezparra, dba El Nuevo Altata Restaurant, for a person-to-person transfer of an Alcoholic Beverage Control License, at 6800 Long Beach Boulevard, with existing conditions. (District 9)

A motion was made to approve recommendation on the Consent Calendar.

17. [10-0535](#) Recommendation to receive and file the application of Carlos Castilla Bravo, dba Artesian, for a person-to-person transfer of an Alcoholic Beverage Control License, at 1006-08 East Artesia Boulevard, with existing conditions. (District 9)

A motion was made to approve recommendation on the Consent Calendar.

18. [10-0498](#) Recommendation to authorize City Manager to execute a three-year agreement and two, one-year amendments, with WomenShelter of Long Beach (WSLB) to accommodate an advocate at the Long Beach Police Department (LBPD) Public Safety Building (PSB) to provide comprehensive services to victims of domestic violence. (Citywide)

This Contract was withdrawn.

19. [10-0536](#) Recommendation to receive and file the minutes for:
Civil Service Commission - April 21, 2010.
Water Commission - April 15, 2010.

A motion was made to approve recommendation on the Consent Calendar.

REGULAR AGENDA (8:06 PM)

[see media](#)

20. [10-0552](#) Recommendation to request City Council to reconsider the action of March 23, 2010, for an Alcoholic Beverage Control License application for Sababa Entertainment Incorporated, dba Sababa, and amend the conditions of approval as set forth.

A motion was made by Councilmember DeLong, seconded by Vice Mayor Lerch, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

[see media](#)

21. [10-0538](#) Recommendation to receive and file Investment Report for Quarter Ending March 31, 2010. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

[see media](#)

22. [10-0539](#) Recommendation to adopt resolution determining all unpaid assessments for the City's Assessment District No. 08-01 (The Toledo Utility Undergrounding); and

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-10-0054. The motion carried by the following vote:

Yes: 7 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 2 - Garcia and Lowenthal

Enactment No: RES-10-0054

[see media](#)

[10-0540](#)

Adopt resolution providing for the issuance of improvement bonds in an amount not to exceed \$1,335,000, contingent upon the City Council's award of a construction contract, and approving related documents and

actions for Assessment District No. 08-01. (District 3)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation and adopt Resolution No. RES-10-0055. The motion carried by the following vote:

Yes: 7 - DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 2 - Garcia and Lowenthal

Enactment No: RES-10-0055

[see media](#)

23. [10-0541](#)

Recommendation to authorize City Manager to submit a grant application, through the Long Beach Department of Health and Human Services, to the U.S. Department of Housing and Urban Development (HUD) for the 2010 Continuum of Care for Homeless Assistance Program; and execute all necessary documents, subgrants and any amendments changing the amount of the award or extending the grant term upon receipt of HUD funding. The grant award amount will be between \$5.5 million and \$7.5 million, for a period of one to five years. (Citywide)

Councilman Andrews spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

[see media](#)

24. [10-0542](#)

Recommendation to authorize City Manager to execute all necessary agreements with the County of Los Angeles Department of Public Health in the amount of \$784,000 to provide Community Prevention and Wellness Services under the American Recovery and Reinvestment Act of 2009 (ARRA), to administer and execute all necessary documents to accept and expend all grant funds in connection herewith, and to take all other actions necessary to implement the use of such funds;

Execute subcontracts in the amount of \$40,000 and subsequent amendments with the listed subcontract agencies to address smoking cessation needs and to build on existing smoke-free policies in the City of Long Beach; and

Increase appropriations in the Health Fund (SR 130) in the Department of Health and Human Services (HE) by \$712,000 and in the General Grants Fund (SR 120) in the Department of Public Works (PW) by \$72,000 for the period of March 19, 2010 to March 18, 2012. (Citywide)

A motion was made by Councilmember O'Donnell, seconded by Councilmember Lowenthal, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

[see media](#)

25. [10-0543](#)

Recommendation to authorize City Manager to execute a license agreement with Ms.Lee Ostendorf for use of City-owned property in the parking lot adjacent to the northwest end of Marine Stadium, to conduct a certified farmers' market for a three-year term, with two, one-year renewal options, at the discretion of the City Manager or his designee. (District 3)

Larry Goodhue spoke.

Harvey Cochran spoke.

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

[see media](#)

26. [10-0545](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Joseph Macleod Irwin, dba The Cellar, for an exchange of an Alcoholic Beverage Control License, at 206 The Promenade, with conditions. (District 2)

Councilmember Lowenthal spoke.

Harvey Cochran spoke.

Councilwoman Gabelich spoke.

Dan Peterson spoke.

Paul St. Bernard, owner of the Cellar, spoke.

A motion was made by Councilmember Lowenthal, seconded by Councilmember DeLong, to approve recommendation, with conditions. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

[see media](#)

27. [10-0546](#)

Recommendation to determine that the application serves the public convenience and necessity, and receive and file the application of Construction Group Incorporated, dba A B S Market, for an original Alcoholic Beverage Control License, at 1605 East Wardlow Road, with conditions. (District 7)

A motion was made by Councilmember Reyes Uranga, seconded by Councilman Andrews, that a conditional protest be filed with ABC on the basis of (1) over concentration and (2) proximity to residences; and with the conditions (1) to limit hours to close not later than 10:00 PM for Monday through Thursday and 12:00 AM for Friday through Sunday, and (2) restrict sales of singles. The motion carried by the following vote:

Yes: 7 - Lowenthal, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 2 - Garcia and DeLong

[see media](#)

28. [10-0547](#)

Recommendation to authorize the modification of land at the Public Service Yard to be included in the real estate exchange approved by City Council on August 4, 2009. (Districts 1,3)

Distributed at or prior to the meeting: Correspondence from Eric Zahn, Coastal Ecologist Tidal Influence; and Jerry Schubel, Aquarium of the Pacific.

Councilmember O'Donnell spoke.

Councilmember Reyes Uranga spoke.

Councilmember DeLong spoke.

Councilwoman Gabelich spoke.

Councilwoman Schipske spoke.

Councilwoman Gabelich spoke.

Motion: That the item be laid over to the City Council meeting of Tuesday, June 1, 2010.

Moved by Gabelich, motion failed due to lack of second.

Councilmember Lowenthal spoke.

Councilmember Reyes Uranga spoke.

Melinda Cotton spoke.

Elizabeth Lamb spoke.

Councilmember Reyes Uranga spoke.

Pat Loster spoke.

Councilwoman Gabelich spoke.

Mayor Foster spoke.

A substitute motion was made by Councilwoman Gabelich, seconded by Councilwoman Schipske, that the item be laid over to the City Council meeting of Tuesday, June 1, 2010. The motion failed by the following vote:

Yes: 3 - Schipske, Reyes Uranga and Gabelich

No: 5 - Lowenthal, DeLong, O'Donnell, Andrews and Lerch

Absent: 1 - Garcia

A motion was made by Councilmember O'Donnell, seconded by Councilmember DeLong, to approve recommendation, with the stipulation that within three months a request be made to the State for a delineation study. The motion carried by the following vote:

Yes: 6 - Lowenthal, DeLong, O'Donnell, Andrews, Reyes Uranga and Lerch

No: 2 - Schipske and Gabelich

Absent: 1 - Garcia

[see media](#)

29. [10-0432](#)

Recommendation to authorize City Manager to increase Contract No.

31353 with United Storm Water, Inc. by \$787,000, for a total FY 2010 amount of \$1,398,498, for oil spill response at storm drain pump station SD23 located at the Port of Long Beach, and emergency response to floods throughout the City during the months of January and February 2010. (Citywide)

A motion was made by Councilmember DeLong, seconded by Councilmember O'Donnell, to approve recommendation. The motion carried by the following vote:

Yes: 8 - Lowenthal, DeLong, O'Donnell, Schipske, Andrews, Reyes Uranga, Gabelich and Lerch

Absent: 1 - Garcia

ORDINANCES

30. [10-0548](#) Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 5.72.130; and by repealing Section 14.04.070, both relating to permits read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

This Ordinance was withdrawn.

31. 10-0549 Recommendation to declare ordinance amending Section 16.08.460 of the Long Beach Municipal Code, related to fishing restrictions on the banks of the Los Angeles River read the first time and laid over to the next regular meeting of the City Council for final reading. (District 2)

This Ordinance was withdrawn.

NEW BUSINESS (9:05 PM)

32. Affidavits of Service for the Special Meetings held Tuesday, May 18, 2010.

ANNOUNCEMENTS (9:05 PM)

Councilman Andrews made community announcements.

Councilwoman Schipske made community announcements.

Councilwoman Gabelich made community announcements.

Councilmember O'Donnell made community announcements.

Councilmember Lowenthal made community announcements.

Councilmember Reyes Uranga made community announcements.

ADJOURNMENT (9:13 PM)

At 9:13 PM, Mayor Foster adjourned the meeting.

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